REMARKS

Claims 1-16 and 18-24 are pending in this application. Claims 1-16 and 18-24 are rejected. In view of the following remarks, Applicant respectfully requests withdrawal of the rejections in the Office Action, and allowance of the application.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1-16 and 18-24 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Takamoto et al. (U.S. Patent No. 6,470,391) in view of Dillon (U.S. Patent No. 6,671,741). Applicants respectfully disagree.

The Examiner has maintained his rejection from the previous Office Action. In making the rejection of claim 1 at page 3 of the present Office Action, the Examiner admits that Takamoto does not teach sending, from the network driver device, an acknowledgement packet to the stack without sending the acknowledgement packet across and I/O bus. The Examiner relies on Dillon to teach this feature.

Claim 1 recites, in part:

> sending, from the network driver device, an acknowledgment
> packet to said stack mechanism ***without sending*** said
> acknowledgment packet ***across an I/O bus***; and
> after sending said acknowledgement packet, transmitting, by the
> network driver device, said data packet across the I/O bus ***in***
> ***said server environment*** to said client.

In making the rejection of claim 1, the Office asserts that Dillon's hybrid gateway 150 is analogous to the network driver device, and the claimed stack mechanism is analogous to Dillon's application server 140. Dillion's hybrid gateway 150 must communicate with the application server 140 through the Internet 128 as shown in Dillon's FIG. 1. Applicant previously argued at page 7 of the July 14, 2009 response,

> Applicants respectfully submit that for the Hybrid Gateway 150
> to communicate with the application server 140, that an I/O bus
> must be used to access the Internet 128. Dillon does not
> disclose sending, from the network driver device, an
> acknowledgment packet to the stack mechanism without
> sending the acknowledgment packet across an I/O bus,

In response to Applicant's argument, the Examiner equates, at page 7 of the present, Final Office Action, the hybrid gateway 150 disclosed by Dillion to the claimed network

driver device, and the claimed stack mechanism to Dillon's application server 140. The Examiner asserts that the hybrid gateway of Dillon communicates with Dillon's application server without sending an acknowledgement packet across an input/output (I/O) bus. The Examiner relies on Dillon's FIG. 12 to illustrate that communication between the hybrid gateway 150 and the application server 140 takes a short propagation time in contrast to the long propagation time of the communication between as a hybrid gateway and the hybrid terminal that communicate via the satellite. The Examiner states that this short propagation time indicates that the acknowledgement packet is not sent across and I/O bus.

However, the Examiner has failed to address Applicant's argument that communications passed between the hybrid gateway 150 and the application server 140 **must** pass through the Internet 128 (See Dillon's FIG. 1). Applicant respectfully submits that for data to be passed to and received from the Internet the data is inherently sent over an I/O bus.

As for the citations to Dillon's FIG. 13b, column 14, lines 1-41, and an unlisted line in column 14 to column 15, line 27, these merely explain how Dillon takes advantage of the long propagation delay of the satellite link to perform "Protocol Spoofing." The cited text, in particular column 14, lines 20-25, explains that the hybrid gateway 150 sends an acknowledgement to the application server 140, even though a corresponding packet may not have been received by the hybrid terminal 110, thereby "spoofing" the application server 140.

The reason Dillon is able to send a "spoofing" acknowledgement packet from the hybrid gateway 150 to the application server 140 is because of the long propagation delay of the satellite communication path and because the "spoofing" acknowledgement packet requires minimal bandwidth. In contrast, Applicants claimed embodiments occur within a server environment that is not subject to long propagation delays associated with satellite downloads, the claimed embodiment is constructed differently, and operates differently than the satellite communication system of Dillon.

Applicant respectfully submits that claim 1 is allowable. Independent claims 8 and 15 recite features similar to those of claim 1, and are also allowable. Claims 2-7, 9-14, 16 and 18-21 depend respectively from claims 1, 8 and 15, and are also allowable.

Claim Rejections Under 35 U.S.C. § 102(e)

Claims 22-24 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Dillon. Applicant respectfully disagrees.

Claim 22 recites:

> ***A network interface card in a server environment***, comprising:
> a mechanism to communicate across an I/O bus in the server environment so as to receive data packets from a network drive mechanism;
> a memory device to store information regarding said received data packets and store a data structure containing ***connection information with a number of fake acknowledgement packets generated by the network drive mechanism***;

In making the rejection of claim 22, the Examiner asserts that the hybrid gateway 150 of Dillon discloses a network interface card in a server environment in its claim 11. However, the claim refers to an interface between a wireless communication unit and a computing device. The only wireless communications in Dillon occur between the hybrid terminal 110 and satellite gateway 160. (See Dillon's FIG. 1). Meanwhile, Dillon describes the protocol spoofing as only occurring between the application server 140 and the hybrid gateway 150. Dillon's specification does not describe a network interface card other than in the claims. These claims also refer to an address resolution protocol, or an ARP. Dillon describes the exchange of ARP packets with reference to the hybrid terminal 110, specifically, the driver 114 within the hybrid terminal 110, at column 7, lines 1-20 of Dillon.

The citations used in the rejection of claim 22 by the Examiner refer to the application server 140 and the hybrid gateway 150. Neither of which are connected to the satellite wireless communication system (elements 100, 170, 175 and 180 of Dillon's FIG. 1). For example, the Examiner asserts at page 6 of the Office Action that Dillon discloses connection information with a number of fake acknowledgement packets generated by the network drive mechanism in column 14 and in the FIG. 13s (which the Applicant is interpreting as FIGS. 13a-13e). The cited text does not refer to the network interface card of Dillon's claim 11 as being in the hybrid terminal 110. Applicant

respectfully submits that Dillon does not disclose all of the features recited in independent claim 22. Accordingly, Dillon does not anticipate claim 22.

Claim 23 further recites a network interface card comprising:

> **an error indicating mechanism** to recognize an error condition if a negative acknowledgment packet regarding said data packet transmitted across said network is received from said remote system.

The Examiner asserts that the same cited text of Dillon that allegedly discloses the features of claim 22 also discloses the claimed error indicating mechanism of claim 23. However, as explained above, this text refers to the application server 140 and the hybrid terminal 150 of Dillon. Nowhere in the cited text is a negative acknowledgement packet described. In fact, Dillon does not refer to a negative acknowledgement, or NACK in the specification. Accordingly, Dillon does not anticipate claim 23.

Claim 24 depends from claim 22, and is also not anticipated by Dillon. The rejection of claims 22-24 should be withdrawn.

Conclusion

Applicant respectfully submits that the present application is in all aspects in allowable condition, requests that all rejections be withdrawn, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. 1.16 or 1.17 to Kenyon & Kenyon Deposit Account No. 11-0600.

The Examiner is invited to contact the undersigned at (202) 220-4254 to discuss any matter concerning this application.

Respectfully submitted,

Date: January 8, 2010   /Martin E. Miller/
                                Martin E. Miller
                                Registration No. 56,022
                                (Attorney for Intel Corporation)

KENYON & KENYON LLP
1500 K Street, N.W., Suite 700
Washington, D.C. 20005
Phone: (202) 220-4200
Fax.: (202) 220-4201